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FILED

MAY 13 2011

Board of Vocational Nursing
and Psychiatric Technicians

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. VN-2008-549

12 **CANDIE ROBIN SANDOVAL**
13 **3560 1st Avenue**
Sacramento, CA 95817
14 **Vocational Nurse License No. VN 198429**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely
19 in her official capacity as the Executive Officer of the Board of Vocational Nursing and
20 Psychiatric Technicians ("Board"), Department of Consumer Affairs.

21 2. On or about February 28, 2002, the Board issued Vocational Nurse License Number
22 VN 198429 to Candie Robin Sandoval ("Respondent"). Respondent's vocational nurse license
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 October 31, 2011, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that
27 the Board may discipline the holder of a vocational nurse license for any reason provided in
28 Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

1 4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
2 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
3 period within which the license may be renewed, restored, reissued or reinstated. Pursuant to
4 Code section 2892.1, the Board may renew an expired license at any time within four years after
5 the expiration.

6 5. Code section 2878 states, in pertinent part:

7 The Board may suspend or revoke a license issued under this chapter [the
8 Vocational Nursing Practice Act (Bus. & Prof. Code § 2840, et seq.)] for any of the
following:

9 (a) Unprofessional conduct . . .

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11 (j) The commission of any act involving dishonesty, when that action is
12 related to the duties and functions of the licensee . . .

13 6. Code section 2878.5 states, in pertinent part:

14 In addition to other acts constituting unprofessional conduct within the
15 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

16 (a) Obtain or possess in violation of law, or prescribe, or except as
17 directed by a licensed physician and surgeon, dentist or podiatrist administer to
18 himself or herself or furnish or administer to another, any controlled substance as
defined in Division 10 of the Health and Safety Code, or any dangerous drug as
defined in Section 4022.

19

20 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
21 unintelligible entries in any hospital, patient, or other record pertaining to narcotics or
dangerous drugs as specified in subdivision (b).

22 7. Code section 4060 states, in pertinent part:

23 No person shall possess any controlled substance, except that furnished to
24 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
25 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to
26 Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
27 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052 . . .

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1 8. Health and Safety Code section 11170 states that no person shall prescribe,
2 administer, or furnish a controlled substance for himself.

3 9. Health and Safety Code section 11173, subdivision (a), states, in pertinent part:

4 No person shall obtain or attempt to obtain controlled substances, or
5 procure or attempt to procure the administration of or prescription for controlled
6 substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . .

6 **COST RECOVERY**

7 10. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 **CONTROLLED SUBSTANCES AT ISSUE**

12 11. "Percocet" and "Roxicet", brands of oxycodone and acetaminophen, are Schedule II
13 controlled substances as designated by Health and Safety Code section 11055, subdivision
14 (b)(1)(M).

15 12. "Norco", a brand of hydrocodone bitartrate and acetaminophen, is a Schedule III
16 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

17 13. "Marinol", a brand of dronabinol, is a Schedule III controlled substance as designated
18 by Health and Safety Code section 11056, subdivision (h).

19 14. "Methadone (methadone hydrochloride)" is a Schedule II controlled substance as
20 designated by Health and Safety Code section 11055, subdivision (c)(14).

21 15. "Marijuana" is a Schedule I controlled substance as designated by Health and Safety
22 Code section 11054, subdivision (d)(13).

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Diversion, Possession, Furnishing, and Self-Administration of Controlled Substances)**

3 16. Respondent is subject to disciplinary action pursuant to Code section 2878,
4 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5,
5 subdivision (a), in that on and between July 22, 2008, and August 15, 2008, and on or before
6 January 26, 2010, Respondent did the following:

7 **Diversion of Controlled Substances:**

8 a. On and between July 22, 2008, and August 15, 2008, while employed and on duty as
9 a licensed vocational nurse and/or Unit Assistant¹ at Mercy San Juan Medical Center located in
10 Carmichael, California ("MSJMC"), Respondent obtained controlled substances by fraud, deceit,
11 misrepresentation, or subterfuge in violation of Health and Safety Code section 11173,
12 subdivision (a), as follows: Respondent stole or diverted medications, including the controlled
13 substances Roxicet, Norco, Marinol, and methadone, from MSJMC during the last six months of
14 her employment and allegedly gave them to another employee. Respondent would search the
15 patient records at MSJMC to find patients who were prescribed the above medications, but who
16 were not utilizing the prescriptions. Respondent would remove the medications from the
17 Omnicell (automated medication dispensing system) under the patients' names using her
18 personnel access code, then supply the medications to the other employee. Respondent would
19 divert medications when she worked as a Unit Assistant since she had easier access to the patient
20 records. In addition, Respondent failed to chart the administration of the medications in the
21 patients' Medication Administration Records ("MAR") or falsified the MAR's to conceal her
22 diversion of the medications, as set forth in paragraph 17 below.

23 **Possession of Controlled Substances:**

24 b. On and between July 22, 2008, and August 15, 2008, Respondent possessed the
25 controlled substances Roxicet, Norco, Marinol, and methadone, as set forth in subparagraph (a)

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27 ¹ The Unit Assistant's duties include maintaining accurate and complete patient charts.
28 The Unit Assistant may also assist in patient care.

1 above, without valid prescriptions from a physician, dentist, podiatrist, optometrist, veterinarian,
2 or naturopathic doctor, in violation of Code section 4060.

3 **Furnished Controlled Substances:**

4 c. On and between July 22, 2008, and August 15, 2008, Respondent furnished the
5 controlled substances Roxicet, Norco, Marinol, and/or methadone to another employee at
6 MSJMC, as set forth in subparagraph (a) above, without lawful authority.

7 **Self-Administration of Controlled Substances:**

8 d. On or before January 26, 2010, Respondent self-administered an unknown quantity of
9 the controlled substance marijuana without lawful authority, as follows: On or about January 26,
10 2010, during an interview by the Division of Investigation, Department of Consumer Affairs,
11 Respondent voluntarily provided a urine sample for drug testing. Respondent's urine sample
12 tested positive for marijuana.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(False Entries in Hospital/Patient Records)**

15 17. Respondent is subject to disciplinary action pursuant to Code section 2878,
16 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5,
17 subdivision (e), in that on and between July 22, 2008, and August 15, 2008, while employed and
18 on duty as a licensed vocational nurse and/or Unit Assistant at MSJMC, Respondent falsified, or
19 made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other
20 records pertaining to the controlled substances Roxicet, Norco, Marinol, and methadone, as
21 follows:

22 **Patient A:**

23 a. On July 29, 2008, at 2021 hours, Respondent withdrew two 5/325 mg tablets of
24 Roxicet from the Omnicell under the patient's name, but failed to chart the administration of the
25 Roxicet on the patient's MAR and otherwise account for the disposition of the two 5/325 mg
26 tablets of Roxicet.

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1 b. On July 31, 2008, at 1940 hours, Respondent withdrew two 5/325 mg tablets of
2 Roxicet from the Omnicell under the patient's name, but failed to chart the administration of the
3 Roxicet on the patient's MAR and otherwise account for the disposition of the two 5/325 mg
4 tablets of Roxicet.

5 c. On August 4, 2008, at 2208 hours, Respondent withdrew two 5/325 mg tablets of
6 Roxicet from the Omnicell under the patient's name, but failed to chart the administration of the
7 Roxicet on the patient's MAR and otherwise account for the disposition of the two 5/325 mg
8 tablets of Roxicet.

9 d. On August 5, 2008, at 2213 hours, Respondent withdrew two 5/325 mg tablets of
10 Roxicet from the Omnicell under the patient's name, but failed to chart the administration of the
11 Roxicet on the patient's MAR and otherwise account for the disposition of the two 5/325 mg
12 tablets of Roxicet.

13 **Patient B:**

14 e. On August 6, 2008, at 2055 hours, Respondent withdrew one Norco tablet from the
15 Omnicell under the patient's name, but failed to chart the administration of the Norco on the
16 patient's MAR and otherwise account for the disposition of the one Norco tablet.

17 **Patient C:**

18 f. On July 26, 2008, at 1607 hours, Respondent withdrew two Norco tablets from the
19 Omnicell under the patient's name, but failed to chart the administration of the Norco on the
20 patient's MAR and otherwise account for the disposition of the two Norco tablets.

21 **Patient D:**

22 g. On July 22, 2008, at 1551 hours, Respondent withdrew one Norco tablet from the
23 Omnicell under the patient's name, but failed to chart the administration of the Norco on the
24 patient's MAR and otherwise account for the disposition of the one Norco tablet.

25 **Patient E:**

26 h. On July 27, 2008, at 1959 hours, Respondent withdrew one 2.5 mg caplet of Marinol
27 from the Omnicell under the patient's name, but charted on the patient's MAR that she
28 administered the Marinol to the patient at 1830 hours.

1 i. On July 27, 2008, at 1959 hours, Respondent withdrew three 10 mg tablets of
2 methadone from the Omnicell under the patient's name when, in fact, the physician's order called
3 for the administration of only two tablets of methadone to the patient. Further, Respondent
4 charted on the patient's MAR that she administered two tablets of methadone to the patient at
5 2100 hours, but failed to document the wastage of or otherwise account for the disposition of the
6 remaining one tablet of methadone.

7 j. On August 9, 2008, at 1543 hours, Respondent withdrew one 2.5 mg caplet of
8 Marinol from the Omnicell under the patient's name when, in fact, the physician's order called for
9 the administration of 5 mg of Marinol to the patient. Further, Respondent charted on the patient's
10 MAR that she administered 5 mg of Marinol to the patient at 1800 hours.

11 k. On August 12, 2008, at 1653 hours, Respondent withdrew one 2.5 mg caplet of
12 Marinol from the Omnicell under the patient's name when, in fact, the physician's order called for
13 the administration of 5 mg of Marinol for the patient. Further, Respondent charted on the
14 patient's MAR that she administered 5 mg of Marinol to the patient at 1800 hours.

15 **Patient F:**

16 l. On August 10, 2008, at 1708 hours, Respondent withdrew two 5/325 mg tablets of
17 Roxicet from the Omnicell under the patient's name, but failed to chart the administration of the
18 Roxicet on the patient's MAR and otherwise account for the disposition of the two 5/325 mg
19 tablets of Roxicet.

20 **Patient G:**

21 m. On August 15, 2008, at 2217 hours, Respondent withdrew two 5/325 mg tablets of
22 Roxicet from the Omnicell under the patient's name, but failed to chart the administration of the
23 Roxicet on the patient's MAR and otherwise account for the disposition of the two 5/325 mg
24 tablets of Roxicet.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Dishonest Acts)**

27 18. Respondent is subject to disciplinary action pursuant to Code section 2878,
28 subdivision (j), in that on and between July 22, 2008, and August 15, 2008, Respondent

1 committed acts involving dishonesty while licensed as a vocational nurse, as set forth in
2 paragraph 17 above.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
6 issue a decision:

7 1. Revoking or suspending Vocational Nurse License Number VN 198429, issued to
8 Candie Robin Sandoval;

9 2. Ordering Candie Robin Sandoval to pay the Board of Vocational Nursing and
10 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
11 pursuant to Business and Professions Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: May 13, 2011.



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant